

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

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WRIT PETITION No. 4778 of 2006

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Dated: 13.03.2006

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Between:

D.M.S.Naidu, S/o Jayaram Naidu,
R/O Nandamoori Nagar, KLD Road,
Anantapur District.

... PETITIONER

And:

The Depot Manager, APSRTC,
Pulivendula Depot, Kadapa District and another.

... RESPONDENTS

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ORDER:

The petitioner, who is a driver-cum-conductor in the Andhra Pradesh State Road Transport Corporation, attached to Pulivendula Depot, has filed this Writ Petition, questioning the order dated 02-11-2005 in proceedings No.01/114(10)/05-PVL, passed by the Depot Manager, first respondent herein, as illegal, arbitrary and against the principles of natural justice.

When the petitioner was on duty on 4/5-10-2005, one of the passengers in the bus had filed complaint against him. On the said complaint, preliminary enquiry was conducted and the enquiring authority had submitted its report stating that the petitioner himself misbehaved with the passenger and lodged police complaint in the police station. With reference to the said alleged misconduct, disciplinary proceedings were initiated against the petitioner and he was placed under suspension by the impugned order.

In this writ petition, it is contended by the learned Counsel appearing for the petitioner, that the passenger himself was at fault and not the petitioner and there is no basis for the misconduct alleged against the petitioner.

But, however, it is to be seen, the impugned order is one of suspension pending enquiry and the charges were also framed against the petitioner in the enquiry. The truth or otherwise of the allegation against the petitioner is a matter to be enquired into in the said enquiry and this Court, sitting under Article 226 of the Constitution of India, cannot record a finding of fact. That apart, suspension pending enquiry is not a punishment and is resorted to only to facilitate fair conduct of the enquiry.

The impugned order of suspension, was passed on 2-11-2005 and the enquiry is still pending. Having regard to the nature of charges framed against the petitioner and as nearly fourth months' period had elapsed from the date of passing the order of suspension, I dispose of the Writ Petition, directing the first respondent to complete the enquiry and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order. It is needless to observe, that the petitioner shall be given an opportunity in the enquiry as per the regulations.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATED: 13-3-2006.

Sh/Msnr.